



“Life of the Case” Analysis

Investigation

1. OUTCOMES

- ☐ Child Safety
- ☐ Child and Family Well Being
- ☐ Accurate Finding Regarding the Allegation of Abuse/Neglect
- ☐ Appropriate Type, Level and Intensity of DCS Intervention and Services

As stated in IC 31-33-1-1, the purpose and goal of Indiana’s Child Protective Services is to:

- 1) Encourage effective reporting of suspected or known incidents of child abuse or neglect;
- 2) Provide in each county an effective child protection service to quickly investigate reports of child abuse or neglect;
- 3) Provide protection for an abused or a neglected child from further abuse or neglect;
- 4) Provide rehabilitative services for an abused or a neglected child and the child’s parent, guardian, or custodian; and
- 5) Establish a centralized Statewide child abuse registry and an automated child protection system.

The Investigation phase of the life of the case must build on and respond to the information obtained at Intake, to ensure that these goals are met, and the critical outcomes listed above are achieved. Indiana’s Child Protective Services is tasked with investigating all reports of abuse or neglect of a child by a parent, guardian or custodian, including all reports of sexual abuse (regardless of the alleged perpetrator). Effective Investigations ensure the immediate safety needs of the child are met. If the allegation is substantiated and the case is opened for the Department of Child Services (DCS) services, the Investigation provides crucial information to Family Case Managers (FCM) who will provide ongoing services for the child and family, and determines the type, level and intensity of the services required to address the safety and risk issues identified in the Investigation phase.

The Investigation phase must result in:

- ☐ A thorough and objective Investigation of the allegation of abuse or neglect.
- ☐ Identification of the safety and risk factors for the child.
- ☐ When substantiated, appropriate case management activities begin focusing on the specific issues that led to abuse or neglect and:
 - Provide for the child’s immediate and long-term safety and well-being,
 - Support the family’s ability to provide for the safety and well-being of their child(ren), and
 - If the child is removed establish the foundation for the achievement of timely permanency.



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The Federal Adoption and Safe Families Act (ASFA) and Child and Family Service Review (CFSR) identify Child Safety as the primary role for child welfare services and a key outcome for the CFSR. The CFSR items that directly relate to Investigations are:

- ☐ Children are first and foremost protected from abuse and neglect:
 - (CFSR Item 1) Timeliness of initiating a response to a child maltreatment report
 - (CFSR Item 2) Recurrence of substantiated or indicated maltreatment for the same children
- ☐ Children are safely maintained in their homes when possible and appropriate:
 - (CFSR Item 3) Child welfare agency efforts to prevent children's removal from their homes by providing services to the families that ensure children's safety while they remain in their homes.
 - (CFSR Item 4) Child welfare agency's effectiveness in reducing risk of harm to children.

Being in substantial conformity with these CFSR items is directly related to the quality and effectiveness of DCS' Intake and Investigation Policies, Procedures, and Practices. A thorough and objective Investigation, guided and supported by clear Policies, Practices and decision support tools, ensures that the safety and well-being needs of the child are met and that the parents/caregivers are provided an objective, respectful and non-judgmental process for assessing the alleged behavior identified in the Intake report. When conducted effectively, Investigations result in ensuring the safety of Indiana's children, appropriate decisions about whether or not government should intervene in the sanctity of the family and if so, the type, level, and intensity of that intervention.

In addition to the important safety and government intervention aspects of child protective services, Investigations also reflect the DCS customer service role commenced in Intake. DCS Investigators have contact with children, families, professional reporters, community members, law enforcement officers, and many others during the Investigation phase of a case. Thorough, professional, compassionate and respectful Investigations ensure not only the safety of children and the appropriate provision of services, but also guide the public's perception of DCS. Community confidence that DCS will conduct its job appropriately affects the number of reports, cooperation of professional reporters and community reporters, and the ability of the Investigator to gather necessary information to make decisions. In addition, the approach that a DCS Investigator takes in engaging with a parent/caregiver during the Investigation phase can directly impact the willingness and ability of that parent to cooperate with DCS in providing for the safety, well-being and permanency of their child(ren). Therefore, it is very important that Investigators, consistent with DCS model of practice, demonstrate professional and respectful approaches to engagement, assessment, planning and interventions.

Summary

The Investigation phase of the life of the case is where the critical decision about whether or not DCS needs to become involved in the life of a child and family is made. Investigators may become overwhelmed with the scope of the Investigation requirements, the nature of the allegations, and the emotions that may surface from all involved parties. Therefore, it is of utmost importance that a worker's Investigation activities and decision making are guided and supported by an evidence-based model of practice, clear and accessible Policies and Procedures, decision support tools, and Supervisory oversight and guidance.



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2. CRITERIA

- ☐ Safety Factors
- ☐ Risk Factors
- ☐ Family Strengths and Needs
- ☐ Type of Allegations

The initiation phase of the Investigation begins by building on the information identified through the Intake process. Based upon this information, the Investigator develops a plan of action for initiating and conducting the Investigation. The specific allegations made against the family are an important consideration in the Investigation process. The allegations themselves guide the timeframes, scope, contacts and activities in the Investigation, and therefore result in the specific inputs into the assessments just described. The first goal of the Investigator is to ensure the immediate safety of the child. Safety is evaluated using a specific tool (Safety Assessment) which is based on the widely-accepted Structured Decision Making (SDM) methodology. Policy states that a Safety Assessment must be completed within 24 hours of the commencement of an Investigation. The Safety Assessment tool is supported by ICWIS and a detailed Safety, Risk and Needs Assessment policy manual (*Policy Manual for The Indiana Division of Family and Children Safety, Risk and Strengths/Needs Assessment*). This manual presents the safety assessment, risk assessment, and strengths and needs assessment and re-assessment tools that are incorporated as a part of the Indiana Child Welfare Information System (ICWIS). Investigators complete the Safety Assessment in ICWIS using information obtained from their observations and contacts during the preliminary steps in the Investigation. Subject Matter Experts (SME) involved in the workflow development workgroups indicated that there is little guidance and no tools available to them to assist in gathering and organizing the information gained from contacts and observations and how to translate that information in completing the ICWIS Safety Assessment tool. SMEs also stated that there was a wide difference in how workers applied criteria in arriving at Risk scores.

Section 2 of the DCS Policy Manual defines the important difference between safety and risk is that “Safety” assesses the child’s present danger (imminent danger) and guides the worker on regarding the intervention needed to protect the child. In contrast, “Risk” considers the likelihood of future maltreatment (future risk of maltreatment). Investigators must first focus on the immediate safety of the child. Risk, on the other hand, is considered during the Investigation process, after the safety assessment and at the point a decision is being made regarding the specific allegations made against the parent or caretaker. SMEs indicated that there is a wide variation in practice and understanding regarding safety and risk. The SMEs felt that current training and support tools are not as effective as they should be in supporting Investigators in understanding the difference between safety and risk. In addition, SMEs state that in the field both safety and risk are often considered *before* a substantiation decision is made. Best practices, nationally, place significant emphasis on ensuring that there is a safety assessment as soon as possible during the initiation of the Investigation and that the risk assessment process is an aspect of the substantiated decision and becomes the foundation for the agency’s case plan and intervention.

Workers are required to consider Family Strengths and Needs during the Investigation process and this is supported through the ICWIS system after child safety has been established. The assessment of safety and the consideration of the current strengths and needs of the family support the Investigator in developing a Safety Plan for the child during the Investigation, and guide the decision about the type, duration, and intensity of services to provide. Abuse or neglect may be substantiated, but if a family has the capacity to address the problems that led to the allegations, then less intrusive services may be enough to resolve the problem and ensure the child’s long-term safety and permanency.



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Summary

All decisions and activities in the Investigation phase of the life of the case are guided by the criteria discussed in this section. It is critical that Investigators understand the differences between safety and risk assessments as well as the sequence that these critical assessments need to be conducted. Through the assessment of the family's current strengths and needs, the worker can develop a safety plan for the child during the Investigation as well as establishing a foundation for case planning and interventions if the allegation is substantiated and the case open for DCS intervention. DCS Policies, Procedures, Training and Decision Support and Validation Tools need to support the Investigator in planning the Investigation, conducting the Investigation and appropriately applying the criteria to ensure the safety of the child and an objective Investigation. Instead of simply following a list of required actions, it is important for Investigators to understand the criteria that inform their activities and decisions. All processes, decisions, Supervisory input, and support tools must be based on these criteria in order to assist Investigators in focusing on the problem, making decisions, and moving the child and family through to the next stage of the case, On-Going Case Management.

3. ACTIVITIES

- ☐ Prepare for the Investigation
- ☐ Gather Information
- ☐ Organize and Analyze Information to Support the Finding Decision
- ☐ Make Case Decision
- ☐ Hand off/ Case Transfer
- ☐ Court Process

The activities that comprise the Investigation phase in the life of the case should focus on the outcomes and criteria identified earlier, to support Investigation decisions and subsequently prepare for the appropriate disposition of the case. A thorough Investigation, consistent with best practices, is one conducted with prior planning, using a set of standards and tools that support the worker in preparing and conducting the Investigation to ensure the safety of the child. The preparation for the Investigation must be based upon careful analysis of the set of circumstances that the allegations present as identified during the Intake phase of the case. The Investigation process needs to be guided by tools that support the worker in gathering, organizing, analyzing and prioritizing information from the Intake phase and through the contacts and observations made during the Investigation. In addition to tools to guide the Investigation process, Investigators need the support and oversight of Supervisors.

Prepare for the Investigation

Currently, DCS does not have a structured format for Investigators and Supervisors to follow in their preparation for an Investigation. Preparation for the Investigation begins when a Supervisor assigns the case to an Investigator. Policy provides no requirements for how cases are assigned, or the timeframe in which a Supervisor should make the assignment. Cases are officially "assigned" to a Supervisor until they are reassigned to an Investigator; however, as SMEs have identified cases could be "uncovered" for periods of time. In some counties, Investigation assignment may not go to a separate Investigator, because the Intake and Investigation responsibility may fall on the same individual. An Investigation may also be assigned to an ongoing FCM if the child and family are already known to DCS and are receiving services.

There is inconsistency in the specific information that is provided to the Investigator from the Intake phase of the case. In some counties, a Supervisor may deliver information collected at Intake in hard-copy form followed by the ICWIS assignment process. Others may assign Investigations electronically through ICWIS, with little hard-copy information delivered. ICWIS is designed to provide an



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automatic alert to the assigned FCM; however the FCM has the ability to dismiss the alert without actually working the case. Although the alert will continue to appear until it is acknowledged and acted upon, this process could allow Investigations to be delayed unnecessarily. SMEs indicated that an Investigator will generally receive the FPP 310 form, and any other notes or information collected at Intake, but there is no standard or requirement or checklist for a referral packet. Some SMEs indicated that a meeting may occur between the Intake worker, Supervisor, and Investigator. The SMEs agreed that this is a best practice, but is not required by policy and is not standard practice throughout the State.

Gather Information

Investigators should review all available information, including the FPP 310, the ICWIS and hard copy notes, ICES, and any other historical information, before commencing the Investigation. If the allegation is a subsequent report on an existing open Investigation, Investigators must decide whether to screen it out as a duplicate, link it to a current Investigation if within 30 days of the original Intake, or pursue as a separate Investigation. SMEs indicated that this is an area of great confusion for workers across the State. No explicit guidelines exist to support this decision. Pursuing the wrong course of action could result in duplication of effort, or an Investigation that does not take into account related and important information.

Part of the ICWIS review is a check of the State Central Registry (SCR). IC 31-33-1-1, IC 31-33-1 and IC 31-33-17 implemented a centralized, statewide, computerized child abuse registry. Consistent with national standards for a State Central Registry, the Indiana SCR is to be maintained in order to organize and access data regarding certain substantiated reports of child abuse and neglect. All reports entered into the SCR must be substantiated reports, but unlike other states in Indiana all substantiated reports are not entered into the SCR. Under a variety of circumstances an unsubstantiated report will not be entered into the Registry. Indiana's position regarding the registration of substantiated reports is more conservative than other states. SMEs expressed concern that the statutory omissions from the SCR limited the usefulness of the SCR database, and limited their confidence that they had accurate information relating to the prior history of the alleged perpetrators they investigate and when background checks are conducted on child care providers and foster parents.

During preparation for the Investigation, if time permits, the Investigator should make every effort to identify current and previous DCS experience with the child and family. If a child is already involved in an open DCS case, before commencing an Investigation, Investigators should notify the FCM of record. If there was prior involvement, the Investigator should contact the FCM responsible for working the case during this previous DCS intervention. If that involvement occurred in a different County, Investigators may not have access to this information.

In planning for the Investigation, law enforcement should be notified whenever there is reason to believe a crime may have occurred, both to assist in the Investigation and enforcement of legal issues. Law enforcement should also be called upon if there are worker safety issues and there is a need for law enforcement to accompany the worker in the initiation of the Investigation.

If the allegation involves a licensed setting or child fatality, Investigators must inform the identified entity of the allegations, and place the incident onto the Incident Notification List (under "Special Reports" on the Intake Screen in ICWIS)

The timeframe for the Investigation is specified during the Intake phase of the case. It is critical that the Investigation take place within the specified time frame. In the time available, the Investigator in planning to conduct the Investigation must determine whether "exigent circumstances" exist (only if exigent circumstances exist may an Investigator interviews a child without parental permission). This term is not defined in the policy manual; SMEs indicated that House Enrolled Bill 1194 addresses exigent circumstances and that the training and interpretation provided by the Department has raised the concerns of workers that there are very few instances in which they can conduct an interview with a child without parental permission. SMEs (including Training staff) indicated that interpretation is being defined very broadly, and may be resulting in inappropriate decisions concerning Investigation techniques and



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timeframes. This confusion in the field and the tendency for workers to come down on the side of not interviewing the child without parental permission may be placing some children at risk.

Once preparation and planning for the Investigation is complete, the Investigator initiates contact with the child, family, caregiver, and other collateral contacts required by policy, in the timeframes established by during Intake and confirmed during Investigation preparation. Required contacts during the Investigation include face-to-face contact by either the Investigator with:

- ☐ The caregiver, regardless of Investigation status, on the same day as the alleged victim is seen.
- ☐ Alleged victim(s).
- ☐ Other children in the household.
- ☐ The alleged perpetrator, if other than the caregiver (unless a determination has already been made that the Investigation is unsubstantiated).
- ☐ Witnesses (may be by phone).
- ☐ Reporter (may be by phone).

Additional contacts are required based on the following allegations:

- ☐ Type A: Death, Skull Fracture, Internal injury, Asphyxiation/suffocation, Gunshot wounds, Incest, Exploitation/pornography, Rape, Child molestation, Sexual Misconduct with a minor, Deviant Sexual act, Child seduction, Prostitution, Failure to thrive.
 - Required contacts: Reporting source, every person known to have witnessed the incident, and two professional people who did not make the report, but who are believed to have first hand knowledge.
- ☐ Type B: Bruises/Cuts/Welts, Bone Fractures, Wounds/Punctures/bites, Burns/scalds, Poisoning, Shaking/dislocation/sprains, Drowning, Lack of supervision, Malnutrition, Medical neglect, Abandonment, Close confinement, Lock in/out, Drug addicted, Trace of drug, Fetal alcohol syndrome, Public indecency/indecent exposure, Harmful/obscene performance
Inappropriate discipline
 - Required Contacts: Reporting Source, Every person who is known to have witnessed the incident, two people who are believed to have first hand knowledge. At least one of the persons must be a professional
- ☐ Type C: Educational neglect, Lack of food, shelter, clothing, Environment life/health endangering, Poor hygiene
 - Required contacts: Reporting Source, if the Investigator is not able to substantiated the report after making required contacts, it is necessary to reclassify the report as a Type A or type B investigative interview and proceed with the prescribed contact.

Specifically, through contacts and observations, Investigators collect information about the following:

- ☐ Nature, extent and cause of the known or suspected child abuse or neglect.
- ☐ Identity of the person allegedly responsible.
- ☐ Names and conditions of other children in the home.
- ☐ Evaluation of parent, guardian, or custodian.
- ☐ Evaluation of the home environment.



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- ☐ Evaluation of the relationship of the child to the parent, guardian, or custodian.
- ☐ All other data considered pertinent (i.e. Age, and developmental stage of the victim, degree of access of the alleged perpetrator to the child, caregiver stress factors, special medical conditions of the child, etc.) (IC 31-33-8-70)

Although policy requires specific contacts for differing types of abuse/neglect allegations, there is no policy guidance or tools to support Investigators in gathering information or regarding the content and analysis of the information gained from the contacts and observations. The contacts are documented in a narrative format in ICWIS on the contact log.

During the initial contacts, Investigators collect information that will inform the Safety Assessment. Through the completion of the Safety Assessment screen in ICWIS, a Safety Assessment “score” is provided for the review and consideration of the Investigator to assess whether any children are likely to be in immediate danger of serious harm, which may require a protection intervention. SMEs indicated that in practice, the process of “Safety Assessment” happens in the Investigator’s head; then entered into ICWIS. Thus Safety Assessments are dependent on the experience and professional judgment of Investigators. However, the formal process of documenting and evaluating the Safety Assessment does not happen until the Safety Assessment data are entered into ICWIS per policy, within 24 hours of initiation of an Investigation.

Organize and Analyze Information to Support the Finding Decision

The Investigator must organize and analyze the information collected from the Intake phase of the case and the information gained through the contacts and observations made during the Investigation process. The steps detailed by DCS policy for the organization and analysis stage require the Investigator to record contact notes in ICWIS, and enter Safety Assessment information into ICWIS within 24 hours of initiation of the Investigation.

Investigators must analyze the results of the Safety Assessment, as calculated by ICWIS. If the ICWIS results do not correspond to the mental assessment made by the Investigator, he or she may override the determination in certain circumstances. No Supervisory review or authorization is required to finalize the Safety Assessment or override the ICWIS results before the finalization. Investigators may override an output of “child unsafe” by changing it to “child conditionally safe” before finalizing the results in ICWIS. After finalization (which consists of clicking on a finalization button on the ICWIS screen), changes do require Supervisory review.

The Investigation process is a complex set of activities that include reviewing already available information, organizing and prioritizing the information gained from the child, family, and collateral contacts, completing the Safety Assessment in ICWIS and reviewing the resulting safety “score.” Although ICWIS does have functionality for the recording of notes, there is no tool to help Investigators to organize the information available to them to support a finding decision as well as in for the development of a Safety Plan.

Making a Decision

Investigators must make several critical decisions: first, they must determine whether the child is safe in his or her home. After a safety decision is made and appropriate actions are taken to ensure the current and future safety of the child, the Investigator must make a final decision to substantiate or unsubstantiated the case. Once substantiated, decisions relating to the type, level and intensity of DCS services must be made. DCS does have Safety Assessment and Risk Assessment tools built into ICWIS, but there are no tools, as noted above, to support the finalization of a Investigation finding, developing a Safety Plan nor for identifying the type, level and intensity of services required to provide for the safety and well-being of the child and for supporting the capacity of the family to provide for the safety and well-being of their children.



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Is Child Safe?

The Safety Assessment tool, based upon the information entered into ICWIS, presents a score that determines a recommended Safety status for the child. These include:

- ☐ **Unsafe:** The child(ren) cannot be safely kept in the home even after considering a complete range of interventions.
- ☐ **Conditionally Safe:** If one or more safety factors are identified and the Investigator is able to identify and implement sufficient protective interventions the child can remain in the home for the present time.
- ☐ **Safe:** No Safety factors have been identified.

The Safety Assessment results provided by ICWIS may inform decisions, but ultimately, Investigators may still substitute professional judgment for the ICWIS recommendation. Other than the ICWIS output, there are no tools to assist decision making about safety or in the development of a Safety Plan.

When the child is safe or conditionally safe, the Investigator moves on to the next steps in the Investigation. First, Investigators complete contacts that have not been made. Second, they develop a Safety Response and note it in ICWIS. There are no identified time frames for the Safety Response. However, it should be noted, if Safety Factors are identified, a safety response may be necessary to ensure the safety of the child. SMEs indicated that in addition to a tool to support the development of a Safety Response (Safety Plan) adding a checklist for *Reasonable Efforts* to prevent placement at this point in the life of the case would aid in later determinations for Title IV-E eligibility, because this is where the *Reasonable Efforts* must actually be made, when applicable. Finally, Investigators may conduct a Risk Assessment, which is another ICWIS data input process that produces an appraisal of the likelihood that a family will maltreat their children in the next 18-24 months. Although the Risk Assessment is optional at this stage, it must be completed as soon as possible following the decision to substantiate and prior to the actual finding. Supervisors may override the results of the Risk Assessment before the results are finalized in the system, but only to increase the risk level as determined by the scale scores. However, Supervisory approval of the Risk Assessment is not required by current policy.

Should Allegations Be Substantiated?

Ensuring safety is the most important decision made by the Investigator. After safety concerns are addressed, Investigators must decide whether to substantiate the allegations. By statute and policy, this decision must be made within 45 days of Intake for fatalities or 90 days for all other cases. It is important to note that the SMEs indicated that there is wide variety amongst counties relating to meeting these deadlines and that often these time lines are not consistently met.

As noted earlier in this report, there are no tools to support Investigators in arriving at an allegation decision. Policy, though, does provide the following guidelines regarding the different types of substantiation:

- ☐ Substantiated - a report can be substantiated:
 - Whenever facts obtained during the Investigation provide credible evidence that child abuse or neglect has occurred according to the legal definition of child abuse or neglect found in subsection 201.2
 - When the perpetrator admits having abused or neglected the child who is the subject of a report



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- ☐ Indicated - a report can be indicated when facts obtained during an Investigation of suspected child abuse or neglect provide significant indications that a child may be at risk for abuse or neglect or evidence that abuse or neglect previously occurred that cannot be classified as substantiated or unsubstantiated
- ☐ Unsubstantiated – a report is unsubstantiated whenever facts obtained during the Investigation provide credible evidence that child abuse or neglect has not occurred

When an Investigator is attempting to make a decision regarding the allegation and the evidence does not clearly support one substantiation status, policy guidance and the information provided by the SMEs state that a Risk Assessment may be used to determine the risk to the child. Depending on the outcome of the Risk Assessment, changes to the Investigation finding may occur based on the following guidance:

- ☐ If risk is assessed on the high end of the scale, and the evidence is such that it leads one to believe that abuse/neglect has probably occurred, regardless of whether it can be proven, or abuse/neglect is likely to occur (i.e., the provision of services is called for to reduce the risk of abuse/neglect) the Report is to be indicated and proceed with the development of a safety plan for service provision
- ☐ If risk is assessed to be on the low end of the scale, and evidence supporting a finding of substantiated abuse/neglect is very weak, the report is to be unsubstantiated and the family is to be referred for services as appropriate.

The policy guidance to use the Risk Assessment in the determination of a finding may be legally problematic. Investigation findings need to be based on evidence gathered during an Investigation, not on the risk levels (which may or may not be relevant to the current abuse/neglect report). As noted earlier, the Risk Assessment tool provides an assessment regarding the potential of future risk, not the current risk to the child nor the substantiation of an allegation. The Risk Assessment tool and process is effective in determining that there is a service need for substantiated cases. DCS should consider the efficacy of the use of Risk Assessments for arriving at a finding determination.

What Services Should Be Provided?

Depending on the County, an Investigator may be responsible for initiating services for children and families during the Investigation phase. If this is the case, policy requires completion of the Strengths and Needs Assessment. The Family Strengths and Needs Assessment (SNA) instrument, supported by ICWIS, is the companion piece to the Risk Assessment and is used to evaluate the presenting problems and strengths of each family. The SNA is to be completed on all substantiated cases requiring a Risk Assessment within 5 working days of the Risk Assessment. The SNA is used to identify family needs that must be addressed in the family case plan. The FCM identifies the top five priority need areas for the family through scoring the caregivers. After the SNA is completed, Investigators determine the type and level of services to be implemented. This decision is guided by the results of the SNA, and the resulting ICWIS matrix of potential services. For all cases opened for services, the needs' level is combined with the risk level to set the overall service level for the family. The service level determines the case type and minimum number of contacts with the family.

The ICWIS matrix has two parts. The first determines the Service Level and the second determines the Case Type. Based upon the information that the Investigators enter into the ICWIS Risk Assessment and Safety and Needs Assessment matrices are completed on all substantiated Investigations at the conclusion of the Investigation. These are described below.



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Part 1: Service Level Matrix – Based upon the results of the Risk Assessment and Strengths and Needs Assessment a Service/Need Level is determined from High to Low.

Risk Levels -	Risk Level Low	Risk Level Moderate	Risk Level High	Risk Level Very High
Strengths/Needs Level -				
High	Moderate	High	Very High	Very High
Moderate	Low	Moderate	High	Very High
Low	Low	Moderate	High	Very High

Part 2: Case Type Level – The Strength Needs Levels require define the case and the appropriate service response.

Service Level	Safety Plan I & R	Service Case	Service Referral Agreement	Informal Adjustment	Child - Ward	Supervisory Approval for Service Variation
Strength and Needs Levels						
Low	X	X	X			No
Moderate			X	X		Yes
High				X	X	Yes
Very High				X	X	Yes

Supervisors may override the resulting ICWIS decision relating to the type of case, but must document the reasons for that override. Depending on the type of case that is pursued, Investigators may work together with Ongoing Case Managers, or may continue primary responsibility for the case until such time as services are instituted and the case may be transferred for ongoing case management. If the service level indicates Informal Adjustment or Wardship, the Investigator will begin the court process.

Although ICWIS does support the Risk Assessment and Safety and Needs Assessment by providing a focus on the type of case and scope of DCS intervention, there is no decision support for workers in identifying the type, level and intensity of services necessary to build on the family's strengths, addresses the needs and ensure the safety and well-being of the child. The current support is solely focused on the type of case not the interventions essential to meet the needs for the child and family.

Supervisory Review and Quality Assurance

Although Supervisory approval is required at certain stages in ICWIS during the Investigation phase in the life of the case, written policy provides little in the way of guidance relating to Supervisory approvals outside of what is required in ICWIS. SMEs indicated that many Supervisors do review critical decisions made by Investigators at the time the decisions are made, but this is not standard practice across all counties. In many counties, decisions are not reviewed until well after the Investigation decisions are made. The lack of Supervisory involvement is particularly concerning given the fact that workers have little in the way of decision support tools or guidelines to help them make decisions during the Investigation.

Policy does require Supervisory approval before an Investigator may begin the process of removing a child from the home. SMEs indicated that this approval is often verbal, and there are no specific criteria in policy that indicate what threshold must be met in order for a Supervisor to approve the removal. Although policy indicates it should only be done in the most severe of circumstances, children are sometimes removed without prior court approval or involvement of law enforcement. In this situation, the lack of clear guidelines relating to the criteria that must be met for removals has an even greater impact.



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Handoff/Case Transfer

Although practice shows that specific information, such as the FPP 310 and Intake notes, are transferred to Investigators in most counties, policy does not address the handoff or transfer of information from one stage in the life of the case to the next. Practice varies dramatically concerning which individuals are responsible for Intake, Investigation, and Ongoing Case Management, and at times, one individual may be responsible for all three. Although this may be the reason why policy is silent on transfers, in reality some counties do involve multiple individuals in these different stages, and policy should be established to provide clear direction on information and documents to be transferred from stage to stage, and the manner in which the transfer occurs.

Documenting the Decision

Policy states CPS must complete a written report (FPP 311) for each Investigation. A determination must be made within 45 days of intake for child fatality cases and 90 days for all other cases. Policy is not clear on the requirements relating to the timeline for documenting the determination. In addition, Investigators are required by policy to deliver Incomplete Investigation Reports to professional reporters after 30 and/or 90 days when an Investigation is not complete. For each incomplete Investigation, the FPP 311 must be completed as unsubstantiated with the contact logs and narrative clearly documenting the attempts to locate the family or reason why, after appropriate telephone contacts and Supervisory consultation, the decision was made not to pursue the Investigation further.

Once a final decision about substantiation is made, DCS must complete the Investigation Completion Reports (FPP 310 and 311). Upon request, DCS must make the FPP 311 available to the appropriate law enforcement agency, the prosecuting attorney, the coroner, Central Office, and others as necessary, including the local Child Protection Team. If the allegation is unsubstantiated, then the Investigation must be closed, and reopened as a voluntary services case if necessary. Unsubstantiated Investigations are expunged from ICWIS 180 calendar days after the date of Intake.

Court Process

If an Investigator determines that the situation is serious enough for DCS to take responsibility (Wardship) for the child, the Investigator institute the appropriate court process. Depending on many circumstances, including the time of day, the severity of the allegations, and the results of the initial safety assessment, there are several different avenues by which the Investigator may involve the courts. The three major ways that pertain to the Investigation phase in the life of the case are detailed below. No matter what path is taken, Supervisors must be consulted and at a minimum, verbal approval obtained.

Immediate Removals

Whenever possible, workers must solicit approval from the court before proceeding with a removal. Ex Parte approval of this sort may be verbal or written. If written, the order must include language relating to Placement and Care and Best Interest, to fulfill Title IV-E requirements. If the circumstances do not allow for court approval, workers are expected to contact law enforcement for assistance. By policy, workers should only proceed with removals on their own, without court approval or law enforcement assistance, in the most severe of circumstances, if absolutely necessary. If removal is done without the prior approval of the court, workers must document the reason for this action in the case file.

By policy, good faith efforts to notify parents of a child's removal must be made within two hours of removal. If parents cannot be located for verbal notification, written notice must be sent to them within 6 hours. Workers must also complete the Notice of Detention and Parental Rights, and within five days of removal, a visitation plan in ICWIS.



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When the court sets a date for a Detention hearing (which must be within 48 hours of the removal), all parties must be notified and ICWIS must be updated with the date and time. Parties may be notified verbally, in writing, or by subpoena. In addition, workers must provide the court with documentation of probable cause for removal. SMEs indicated that local practice varies, with some counties using ICWIS forms based on the Juvenile Judges' Bench Book, and others using County or local court-developed forms. In general, the following forms are provided to the court in preparation for the detention hearing:

- ☐ Preliminary Intake and Inquiry Forms
- ☐ Appendix H: Pre-Placement Preventative Checklist for Reasonable Efforts
- ☐ Affidavit of Probable Cause
- ☐ Notice of Detention

In some counties, the worker prepares these documents, while in other counties, the County Attorney does the preparation. There is no uniform application across the State of the forms and model court orders provided in the Judges' Bench Book.

At the Detention hearing itself, the court may find probable cause to continue placement, or may decide that probable cause does not exist, and the child should be sent home. If the finding is the latter, the worker may continue the Investigation and determine what in-home services are appropriate for the family. If the court does continue placement, Investigation will also continue, and further appropriate court action will be taken, depending on the specific circumstances of the case.

Hearing details must be entered into ICWIS. SMEs indicate that this is done primarily to comply with Title IV-E and AFCARS policy requirements, and that only the specific fields required for those purposes are generally completed.

Removal Petition (Non-Emergency Removals)

In non-emergency situations, workers must file a Detention petition to initiate the removal of a child from the home. As part of this process, the non-custodial parent must be located, or diligent efforts towards location must be documented. SMEs indicated that local practice varies, with workers preparing the petition information in some counties, and County Attorneys completing it in other counties.

Courts will either accept or deny the Detention petition. If denied, workers may re-file the petition at a later date, should more information be obtained. If approved, an initial hearing will be set. Workers must enter the date and time of the hearing as soon as determined into ICWIS, and notify all parties of the date and time.

The purpose of the initial hearing is to inform the parties of the allegations, determine if a Court Appointed Special Advocate (CASA) or Guardian Ad Litem (GAL) is required, and determine the types of hearings that will follow. If the parents do not admit to the allegations, a Fact Finding hearing will be the next stage of the court process. If they do admit to the allegations, the next step is a Dispositional hearing. In practice, all three types of hearings may occur on the same day. Hearing details must be entered into ICWIS.

Fact-Finding hearings are meant to provide the courts with the necessary information to make a decision about the facts of the case. At this hearing, the court will make a decision about the status of the child, and to what extent government should continue to be involved with the family. All parties may participate in this hearing, including witnesses, friends, and relatives.

If at the Fact-Finding hearing, the court finds that there is not reason to take the child into State custody, the child will return home (if in custody) and the worker must close the case. Voluntary services may be offered to the family. Hearing details must be entered into ICWIS.



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Once the facts of the case are determined and the court adjudication is made, the next step is the dispositional hearing. At this stage, workers must file petitions of parental participation in the case, prepare and distribute the Pre-Dispositional Report, the Case Plan, the Reasonable Efforts Checklist, and the visitation plan. SMEs indicated that every court has different requirements for the dispositional hearing documents, and that the forms and model documents in the Judges' Bench Book are not universally applied.

In-Home CHINS Petition

The process for an In-Home CHINS petition is identical to the process for Removal Petition, detailed above.

Summary

Although there are policies and rules relating to the timeframes and contact requirements for specific types of allegations, there is little support in the form of decision support tools to guide workers in the collection, organization, analysis, prioritization of information to support their activities and decision making process nor for Supervisors to validate those activities and decisions. Investigators move on to the decision-making process without documented Supervisory oversight and without tools and supports to provide guidance for the next steps. Because there is no official appeal process, essentially the public relies on Investigators to make accurate, appropriate and timely decisions on their own.

Policy relating to the timeframes and requirements for Investigations can be found in both the *Child Welfare Policy Manual*, and the draft *Policy Manual for Safety, Risk, and Strength/Needs Assessment*. SMEs indicated that staff use both of these documents, which sometimes contain inconsistent guidance and requirements. If maintaining both policy documents continues to be necessary, then they must be revised to ensure standardization and consistency between the two documents.

The court process resulting from substantiated Investigations is clearly outlined and, according to the SMEs, generally well-understood. Concerns were raised relating to the lack of consistency across counties in the specific documents that must be prepared for various stages of the court process. It is clear that individual courts stray from the model court orders and documents in the Judges' Bench Book. This inconsistency of court practices can impact differences in Title IV-E funding available to counties. Also of concern is the fact that hearing information entered into ICWIS is not necessarily complete, as workers may enter only the minimal information required for AFCARS and Title IV-E eligibility determination.

4. Decisions

- ☐ Safety
- ☐ Substantiation
- ☐ Services

As described in detail above, professional judgment is the main vehicle by which Investigators make decisions relating to safety, risk and the type, level and intensity of services required. SMEs indicated that they generally know very early in an Investigation if there are significant safety concerns, even before they complete the formal Safety Assessment. SMEs indicated that the Safety Assessment results provided by ICWIS may inform decisions, but ultimately, Investigators may still substitute professional judgment for the ICWIS recommendation.



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If the child is safe or conditionally safe, then the Investigator moves on to the next steps in the Investigation, which include completing contacts that have not been made, developing a Safety Plan with the family to ensure the child's continued safety, and conducting a Risk Assessment. Although the Risk Assessment must be completed after substantiation, there is great variation concerning when it is actually done, and how it is used to inform decisions.

Currently there is a list in the draft *Policy Manual for the Indiana Division of Family and Children Safety, Risk and Strengths/Needs Assessment* that outlines when a safety reassessment is required. It should be noted that a Safety Reassessment is not required in all Investigations. Although stated in policy as noted below, SMEs indicated that FCMs have difficulty determining when safety reassessment is required, and when supervisory approval is necessary. SMEs also noted that the Safety Plan itself is only available for revision at four specific moments in the life of the case. Specifically, these moments are:

- 1) At the time of the Safety Assessment, if the FCM determines there are safety factors present and there is need for intervention with the parents to provide more effective protection for the safety of their children;
- 2) At the completion of an Investigation when DCS will not be following up;
- 3) At case closure, if the multidisciplinary team recommends closure of a case but the strengths/needs reassessment continues to identify needs which do not cause risk to the child;
- 4) At the completion of an Investigation when DCS determines that the Investigation findings will be "indicated."

The decision to substantiate or unsubstantiated allegations is similarly based on professional judgment and Investigator experience. As noted earlier, Supervisory and third-party review of these decisions may not be made for days or weeks after a decision is made. SMEs indicated that best practice and good Supervisory practice has many Supervisors reviewing these decisions as they occur; however, there is nothing in policy that requires this level of Supervisory review and approval.

The Case Type Level Matrix in ICWIS delivers a recommended type of case, based upon the facts entered into ICWIS by the Investigator. Supervisors may override the recommendation produced by ICWIS but must document the reasons for the override. SMEs indicated that local practice may result in additional tools and guides being used to move beyond the type of case to the specific services that are essential to address the safety and risk needs of the child.

5. Handoffs and Case Transfer

- ☐ From Intake Unit to Investigation Unit
- ☐ From Supervisor to Investigator
- ☐ From Investigation to On-Going Case Management

There are no policy requirements relating to the handoff and transfer of case information and files from one phase of the life of the case to another. This lack of handoff requirements may be due to the fact that in many counties, the same worker may be responsible for Intake, Investigation, Case Management, or any combination of these phases. However, in larger counties, these handoffs do happen between phases, and in all counties, handoffs occur when workers are out of the office for any number of reasons.

When an Intake is referred for Investigation, the transfer happens via Supervisors. The Intake Supervisor transfers the case in ICWIS to the Investigation Supervisor. Other than what appears in ICWIS, there is no standard case file format or set of required documents to be transferred to the Investigation unit. Therefore, some Investigators may not receive all of the information necessary to begin the Investigation. SMEs indicated that some counties have instituted a face-to-face meeting



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between Intake and Investigation at handoff. This is a best practice and should be incorporated into policy.

A Supervisor maintains the Investigation on his or her caseload until such time as it is transferred to an Investigator. This transfer happens in ICWIS. In many counties, the Investigator will also be notified verbally; however, it is possible for Investigators to dismiss ICWIS alerts relating to the assignment. These alerts will return, but the issue is that Investigators may in effect delay the Investigation.

After the Investigation is complete, the case must be transferred for Ongoing Case Management. There are no policy requirements for this transfer either, and raises similar concerns regarding the amount and quality of information available to the Family Case Manager at case transfer.

Summary

Lack of a State DCS standardized case file format, required documentation for case transfers, and consistent face-to-face transfer conferences, along with the ability of workers to dismiss ICWIS alerts regarding case assignments presents DCS with significant risks that Investigators may not have the information necessary to support an effective Investigation nor begin Investigations in a timely manner as required by policy.

6. RECOMMENDATIONS

From the development of the detailed workflows, review of policies and input from SMEs, recommendations have been identified in several areas for improving DCS child protective Investigation. These include improvements in case transfer policies and practices, Supervisory oversight, review and quality assurance, decisions support and validation tools, and the decision making process, among others.

Statute/Code

1. Expanding ICWIS access to allow Investigators to obtain information about cases with history in other counties. It is not uncommon for families to travel and/or move from County to County within Indiana. Immediate access to information concerning prior CPS involvement is critical to making decisions for the safety of children as well as for worker safety. Immediate access to this information will allow staff to have the most current and relative information in their preparation and decision making for children.
2. Review existing code relating to the State Central Registry and consider expansion of the current law regarding the listing of identified perpetrators in substantiated cases. This will allow for a more complete history and records check for CPS. Not all cases are court worthy, yet there is a considerable concern for identified perpetrators to go unidentified in future cases or in future employment around children.
3. To provide for more consistent quality court processes across the State and maximize Title IV-E funding, DCS should work with the Courts to ensure more consistent use and application of the model court orders and documents contained in the Judges' Bench Book.

Policy/Procedure

1. To support effective case transfers and the continuity and congruency of DCS efforts from Intake to Investigation to Case Management, DCS should establish a model case file as well as a policy standard case transfer packets from one phase of the case to the next. This



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- should include the identification of the information and documents required to be transferred as well as specific time lines for case transfer to occur.
2. Review and clarify current policy relating to “exigent circumstances” and the latitude that Investigators have to interview children at risk without parental consent. The current practice appears to be to define exigent circumstances very broadly and thus preventing Investigators for conducting critical interviews with children whose safety is at risk. This review needs to lead to clear policy direction, effective Supervisory oversight and support and training to ensure that DCS staff are consistent in the interpretation and application of exigent circumstances.
 3. Implement required timeframes and Supervisory review processes for conducting and completing Safety Assessments and planning throughout the life of a case. Safety Plans need to be done throughout the life of a case whenever certain circumstance arise that can impact on a child’s safety.
 4. Include a Reasonable Efforts Checklist into the Safety Investigation / Plan and recommended newly developed Investigation decision support tools that documents Reasonable Efforts to prevent removal in compliance with Title IV-E requirements.
 5. In the interim, review language in the Child Welfare Policy Manual and the Policy Manual for Safety, Risk and Needs Assessment to ensure consistency across the two manuals. For the longer term, integrate the Safety, Risk and Needs Assessment policy and procedure guidance into the new DCS policy manual that is under development. Workers need to access the guidance required to fulfill their responsibility in one spot consistent with how the do their work and with the life of a DCS child welfare case.

Decision Support and Validation

1. Develop through ICWIS a “Life of the Case - Case History Tool” that may be accessed by workers in all counties, and contains detailed information about the family and child’s involvement with DCS. This tool can support a Department worker at any phase of the case. It will be a valuable tool for the Investigator it supports the planning process for the Investigation and conducting the Investigation by allowing the worker access to all prior reports; child protective findings; services provided; results of services; and court involvement in an easy to use case study format.
2. Develop Investigation Decision Support Tool(s) and Decision Tree(s) to support:
 - ☐ The effective gathering of information from the contacts and observations made during the Investigation
 - ☐ Analyzing the information available and achieved through the Safety, Risk and Strengths and Needs Assessments
 - ☐ Arriving at an accurate allegation finding
 - ☐ Defining the type of case
 - ☐ Identifying the appropriate type, level and intensity of services essential to ensure the safety and well-being of the child

These tools will also be used by Supervisors for review and approval of Investigation activities and decisions and for quality assurance efforts. All the tools need to be clearly linked to safety and risk, the reason the Department is involved with the family, and to promote the continuity of the Department’s efforts with the family and on behalf of the safety and well-being of the child. It is recommended that the current Risk, Safety and Family Strengths and Needs Assessment Tools and Safety Plan be integrated into one set of child protective services support tools and safety plan. This will result in a congruent and efficient



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approach to support the Investigation process, document the results and provide for a clear safety plan and course of action for DCS involvement with the child and family.

3. Clarify the use of the Risk Assessment in making a finding. The use of the risk assessment is not relevant to the decision of the finding of an allegation, but is to be used to assess future risk after the finding. The two are separate processes, both of which are important, but the finding must be based on the evidence in the case, not on future risk.

Supervisory Review

1. Clarify policy relating to the Supervisory approval role in the Investigation process. Develop Supervisory review and approval processes throughout the life of the Investigation. Currently, Supervisory sign off happens only at the completion of an Investigation. As identified in the recommendation for the development of Investigation decision support tools, these tools should also identify Supervisory review and approval points in the process and the Supervisor should use these same tools to review and validate Investigator key activities, milestones and decisions in the life of a child protective services Investigation.

Case Transfer

1. Develop standard format for “Hand-Off/Transfer Packet” from Investigation to Case Management and for all stages in the life of the case. Automate as much of this packet as possible in the ICWIS system. Case transfer needs to be supported by a DCS standardized model case file and policies detailing the information and documents to be included during the transfer process.
2. Because transfers happen at various stages of service delivery, require input from the Ongoing Case Manager (Family Case Manager) when decisions are made by the Investigator relating to specific services to be provided to the child and family to strengthen the continuity, congruency and coordination of DCS’ efforts.
3. Create timelines within which Supervisors must transfer a new Investigation to an Investigator. Cases sitting on a Supervisor’s caseload are in effect “uncovered.”
4. Modify ICWIS so that Investigators may not dismiss new Investigation alerts.